

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UHURU BARAKA ROWE,

Plaintiff,

v.

Civil Action No. 3:19CV418

GREGORY L. HOLLOWAY, et al.,

Defendants.

**MEMORANDUM ORDER
(Providing Final Opportunity to Submit Initial Partial Filing Fee)**

By Memorandum Order entered on October 9, 2019, the Court conditionally docketed the action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on November 8, 2019, the Court directed Plaintiff to pay an initial partial filing fee of \$17.75 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Because Plaintiff neither paid the initial partial filing fee nor averred that he cannot pay such a fee, the Court found that he was not entitled to proceed *in forma pauperis*, and by Memorandum Opinion and Order entered on December 10, 2019, dismissed the action without prejudice for failing to follow the directions of the Court.


On January 2, 2020, Plaintiff submitted a Motion for Relief from Order (ECF No. 2), in which he contends that he did not receive the November 8, 2019 Memorandum Order directing him to pay the initial partial filing fee of \$17.75. (*Id.* at 2.) Instead, Plaintiff contends that he only learned of this Memorandum Order on December 18, 2019 when he received the Memorandum Opinion and Order dismissing this action. (*Id.*) Thus, Plaintiff claims that he was unaware of the

Court's directive to pay the initial partial filing fee of \$17.75. Plaintiff asks this Court to vacate the dismissal of his action and "issue a new Order directing [Plaintiff] to file a partial filing fee." (*Id.*) Plaintiff's Motion for Relief from Order was not accompanied by the \$17.75 initial partial filing fee that Plaintiff has been very aware was due to the Court since December 18, 2019. Thus, at this juncture, the Court will take no action on the Motion for Relief from Order. In order to obtain the that relief he seeks, Plaintiff must comply with the directive to pay the \$17.75. Accordingly, it is ORDERED that:

1. Within eleven (11) days of the date of entry hereof, Plaintiff must submit an initial partial filing fee of \$17.75.
2. If Plaintiff fails to submit the initial partial filing fee within that time, the Court will deny the Motion for Relief from Order.

The Clerk is DIRECTED to send a copy of this Memorandum Order to Plaintiff.

It is so ORDERED.

/s/ 
Roderick C. Young
United States Magistrate Judge

Date: January 27, 2020
Richmond, Virginia